IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.1127 of 2007

The State of Maharashtra. ..Applicant.

Vs.

Mr Madhukar Chandar Bhoye
& 2 Ors. ..Respondents.

Mr K. V. Saste, APP for the Applicant.

Mr Mohan Pungliya, Advocate for the respondent Nos. 1 and 2.

CORAM: V.C. DAGA,J.
DATED: 16TH JULY, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused impugned order granting anticipatory bail dated 8.12.2006 passed by the Adhoc Additional Sessions Judge, Nasik to the present respondents.

3. I was taken through the said order. It is difficult to make out any meaning from the said order. The order is cryptic,casual and purfunctory. In this view of the matter, both parties agree that impugned order be set aside without examining merits or demerits thereof and the matter be remitted back to the I Ad-hoc Additional Sessions Judge, Nashik for consideration afresh.

4. In the above view of the matter, the

impugned order dated 8.12.2006 passed in Cri.Misc.Application No. 923 of 2006 below Exh.1 is set aside and the said application is restored to the file of learned Ad-hoc Additional Sessions Judge, Nashik and remitted back for consideration afresh. The learned Ad-hoc Additional Sessions Judge is expected to deal with the contentions of the parties and give reasons for grant of bail so as to enable the higher Court to read his mind. The application is accordingly allowed and disposed of in the above terms. Needless to mention that operative part of the impugned order shall remain in force by way of interim arrangement for a period of two weeks. It will be open for the applicant to pray for appropriate interim order before the Court below, which the court may consider on it's own merits without getting influenced by this order.

(V.C. DAGA,J.)